

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Revision of Part 22 of the )  
Commission's Rules Governing )  
the Public Mobile Services )

CC Docket No. 92-115

DOCKET FILE COPY ORIGINAL

REPLY TO CELLULAR TELECOMMUNICATIONS INDUSTRY  
ASSOCIATION OPPOSITION TO PETITION FOR RECONSIDERATION

C-Two-Plus Technology, Inc. ("C2+"), submits this reply to the "Opposition/Comments To Petitions for Reconsideration" filed by the Cellular Telecommunications Industry Association ("CTIA") in this proceeding. CTIA's Opposition demonstrates that prohibiting use of C2+ technology has nothing to do with the prevention of cellular fraud. Rather, CTIA seeks to preserve the monthly revenue stream established by its member carriers through imposition of additional and unnecessary monthly service charges for cellular "extension" phones.

Preliminary Statement

Contrary to CTIA's claims, C2+ did not seek reconsideration in this proceeding "to hamper" the Commission's efforts to combat cellular fraud. CTIA Opposition at 2-3. C2+ and other petitioners support reasonable measures to stop cellular fraud; they simply oppose the Commission's prohibition of legitimate, non-fraudulent conduct under the guise of fraud pre-

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vention. C2+ also sought reconsideration because the Commission violated the Administrative Procedure Act by adjudicating the rights of C2+ under existing rules in the context of an informal rulemaking proceeding without proper notice. Moreover, the Commission apparently made its determinations regarding C2+ by relying on ex parte contacts by CTIA rather than the record in this proceeding.

The Commission repeatedly has stated that Section 22.919 applies only to phones initially type-accepted after January 1, 1995. Report and Order, CC Docket No. 92-115, 9 FCC Rcd. 6513 (1994) ("Report and Order"), at ¶62; Order, CC Docket No. 92-115, FCC 94-357 (rel. Jan. 10, 1995), at ¶13 ("The new ESN rule applies only to new equipment receiving type-acceptance after January 1, 1995"). However, that leaves 20 to 25 million phones already in existence, in addition to the ongoing manufacture of phones initially type-accepted before January 1, 1995, which are not subject to the new rule. The record clearly indicates that countless numbers of those phones have had their ESNs modified for legitimate, non-fraudulent reasons. See C2+ Partial Opposition to Petition for Reconsideration of McCaw Cellular Communications, Inc. at 4-5 and comments and replies cited therein. Nevertheless, the Commission determined that operation of any of those phones violates the Communications Act and existing Commission rules if the ESN modification was performed by C2+. Report and Order at ¶62. That determination violates the Administrative Procedure Act and is unsupported by the record in any event.

I.    The Commission's Findings Against C2+ Are Based On  
Prohibited Ex Parte Contacts Rather Than "The  
Extensive Record" In This Proceeding

CTIA contends that after "its complete review of the extensive record compiled in this proceeding," the Commission adopted new rule Section 22.919 and, in the course of doing so, found "that the use of the C2+ altered cellular telephones constitutes a violation of the Act and the FCC's rules." CTIA Opposition at 2. However, in the "extensive record" to which CTIA refers, there is not a single assertion by any cellular carrier that C2+ violates the Communications Act or any FCC rule. Except for its own comments, C2+ is not mentioned at all.<sup>1</sup> Thus, the Commission's conclusions regarding C2+ could not have been based on the record and clearly exceeded the scope of this proceeding as described in the Notice of Proposed Rulemaking, CC Docket No. 92-115, 7 FCC Rcd. 3658 (1992) ("NOPR").

A.    The Commission Failed To Give Proper Notice  
That C2+'s Rights Under Existing Rules Would  
Be Adjudicated In This Proceeding

The NOPR in this proceeding generally stated that the purpose of this proceeding was "to revise Part 22 of our Rules...to make our Rules easier to understand, to eliminate outdated rules and unnecessary information collection requirements, to streamline licensing procedures and to allow licensees greater flexibility in providing service to the public." NOPR

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<sup>1</sup> Moreover, the Ericsson Reply Comments cited by the Commission generally support the use of an "encrypted data transfer device" to transfer ESNs. Compare Report and Order at ¶57 n.104 with Reply Comments of The Ericsson Corporation in CC Docket No. 92-115, filed Nov. 5, 1992, at 3-4.

at ¶1. Nowhere did the Commission provide notice to C2+ or any other interested party (i.e. consumers using C2+ extension phones) that this proceeding could result in a finding that their conduct constituted a violation of existing Commission rules. Consequently, not a single comment cited by the Commission in adopting Section 22.919 addressed the issue of whether "the use of the C2+ altered cellular telephones constitutes a violation of the Act and our rules." See Report and Order at ¶¶58-63.

Nevertheless, the Commission concluded in the Report and Order that such use violates the Act and the rules based on its finding that "cellular telephones with altered ESNs do not comply with the cellular system compatibility specification and thus may not be considered authorized equipment under the original type-acceptance." Report and Order at ¶62. Again, the Commission gave no notice that these issues would be addressed in this proceeding, and not a single comment cited by the Commission in adopting Section 22.919 addressed the type-acceptance issue in the context of the use of C2+ extension phones. Report and Order at ¶¶58-63. Thus, the bases for the Commission's conclusions regarding C2+ are nowhere to be found in the record.

B. CTIA Raised The Issues Relating To C2+ In Ex Parte Contacts Which Were Not Made Part Of The Record In This Proceeding

In fact, the genesis of the findings ultimately made by the Commission against C2+ in the Report and Order apparently is an ex parte meeting -- which occurred between representatives of CTIA and the Commission during the pendency of this rulemaking proceeding and was never disclosed by CTIA -- and a series of ex

parte communications relating to that meeting which were never made a part of the record in this docket. On October 15, 1992, after it filed initial comments in this proceeding and before it filed initial reply comments, CTIA wrote to the Commission "to confirm our meeting to discuss ESN security issues...[i]n particular, the 'Cell Phone Emulator' manufactured by C2 Plus Technology." The letter indicates that "Common Carrier Bureau personnel have been invited to join" the meeting and that CTIA intended to review "the FCC's type-acceptance requirements for cellular mobile units" in connection with the C2+ technology. The Chief of the Cellular Branch of the Mobile Services Division is shown as receiving a copy of that letter. See Affidavit of Carol Patton, attached as Appendix 1 hereto, at paragraph 11 and Exhibit B ("Patton Aff.").

The meeting occurred on October 22, 1992, and was attended by "CTIA and the staff of the FCC's Mobile Services Division and the Office of Engineering and Technology." Id. The participants specifically discussed "the applicability of the FCC's rules to the NAM Emulation Programming Device manufactured and distributed by C Two Plus Technology." Moreover, CTIA specifically requested "the FCC's written concurrence" that use of C2+ phones is a violation of the FCC's rules. Id. CTIA never filed an ex parte notification in this docket regarding its letter of October 15, 1992, the meeting on October 22, 1992, or CTIA's follow-up letter of November 4, 1992. See Appendix 2,

which includes a copy of the docket history in this proceeding.<sup>2</sup> In its reply comments filed in this proceeding on November 5, 1992 (i.e. one day after its letter requesting "FCC concurrence"), CTIA never mentioned its correspondence with the Commission or its meeting with the Commission. In fact, that submission made no mention of C2+, the type-acceptance rules, or the "ESN security issues."

Moreover, C2+ was never notified by the Commission that CTIA sought and convened the October 22 meeting. C2+ was not invited by CTIA or the Commission to attend that meeting. No one from the Commission ever contacted C2+ to solicit any information regarding CTIA's allegations or C2+'s business. See Patton Aff. at ¶11. The Commission issued a letter dated January 15, 1993 providing the "written concurrence" requested by CTIA without ever contacting C2+. The Commission never contacted C2+ to inform it that a letter had been issued specifically addressing C2+. Id. Miraculously, nearly two years later, without a single mention in any of the comments cited by the Commission, the very subject of those ex parte contacts -- the C2+ technology and the

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<sup>2</sup> Section 1.1206(a)(2) specifically requires that "[a]ny person who in making an oral ex parte presentation presents data or arguments not already reflected in that person's written comments, memoranda, or other previous filings in that proceeding shall provide on the day of the oral presentation an original and one copy of a written memorandum to the Secretary (with a copy to the Commissioner or staff member involved) which summarizes the data and arguments." 47 C.F.R. §1.1206(a)(2). Similar notices are required for written ex parte communications. See 47 C.F.R. §1.1206(a)(1). Other parties filed appropriate ex parte notifications during the October-November 1992 time frame. See Appendix 2.

FCC's type-acceptance rules -- formed the basis for the adverse findings against C2+ in paragraph 62 of the Report and Order.

C.    The Commission And The Carriers Have Stated  
That C2+ Was Not Violating Any Law Or  
Regulation

Even after the Commission issued the letter requested by CTIA claiming that the C2+ technology violates the Commission's Rules, representatives of the Commission and the carriers made public statements to the contrary:

- "Cloning a cellular phone's electronic serial number is not illegal" (Thomas Wheeler, President of CTIA, as quoted in RCR, June 20, 1994);
- "The FCC has no legal empowerment over...companies associated with C2+ technology; nor is there a law or statute covering this type of activity." (BellSouth Cellular "Fraud Alert Bulletin," 94-01, Mar. 3, 1994 at 3).
- "I don't know if we can say what C2+ is doing is illegal...." (Steve Markendorff, Chief, Cellular Branch, Mobile Services Division, as quoted in Cellular Sales and Marketing, Mar. 1993 at 9);
- C2+ and similar entities "are not licensees and are not directly subject to our jurisdiction." (John Cimko, Chief of Mobile Services Division, as quoted in Cellular Marketing, Oct. 1993 at 57);

See Patton Affidavit at ¶¶12-13 and Exhibits C-E.

Moreover, in its Petition for Reconsideration, C2+ provided a detailed explanation of why its technology did not violate the cellular compatibility specification, the type-acceptance rules or Section 301 of the Communications Act. See C2+ Petition for Reconsideration in CC Docket No. 92-115, filed Dec. 19, 1994 ("C2+ Petition"), at 18-21. Neither CTIA nor any cellular carrier has challenged that analysis.

D. Carriers Have Authorized And Paid For C2+ Emulation Services

Although the Commission plainly states that carriers may authorize the use of cellular "extension" phones using emulation technology (Report and Order at ¶60), it found that the use of C2+ phones violates the Act and the rules without ever finding whether such use had been authorized by particular carriers. Cellular carriers not only have continued to provide service to C2+ customers over the past three years, in many cases they have specifically requested and paid for C2+ emulation services. Patton Aff. at ¶9 and Exhibit A. Thus, the Commission's adverse findings in paragraph 62 are not supported by the record and are inconsistent with the Report and Order itself.

II. C2+ Does Not Facilitate Fraud And Offers Substantial Savings To Consumers

Without offering any evidence, CTIA simply asserts that its "Fraud Task Force has information that C2+ type technology has been used to alter cellular telephones for the purpose of defrauding and has also been used by those engaged in illegal narcotic activity." CTIA Opposition at 8. First, CTIA broadly refers to "C2+ type technology," not C2+ specifically, and CTIA never specifies what it means by that term.<sup>3</sup> C2+ has never been informed by CTIA, any carrier, the FCC, or any law enforcement

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<sup>3</sup> Presumably CTIA is loosely referring to any modification of an ESN as "C2+ type technology." C2+ does not dispute that the modification of ESNs without the affected customer's knowledge and consent is fraudulent and that some fraudulent use may involve narcotic activity. However, C2+ provides its service only to bona fide cellular subscribers who request those services in writing.



official that a C2+ customer has been engaged in cellular fraud or "illegal narcotic activity." See C2+ Petition, Exhibit 1 at ¶11. Because C2+ provides its services only to bona fide cellular customers, C2+ customers are no more likely to be involved in such activities than the carriers' own customers. C2+ respectfully suggests that CTIA has offered no evidence that C2+ customers have engaged in cellular fraud or narcotic activity because it has no such evidence.

Finally, CTIA contends that C2+ services are unnecessary because "[c]ellular carriers have begun offering customers true extension phone service that fully complies with Section 22.919 and all other Commission regulations." CTIA Opposition at 8. CTIA neglects to mention that the services offered by the carriers require payment of additional monthly recurring service charges of \$20 to \$40, which are likely to generate billions of dollars in revenue to the carriers over the next five years. C2+ offers consumers an economical method of obtaining cellular extension service which does not adversely affect the cellular system and costs the carrier little or nothing to implement.<sup>4</sup> Consequently, CTIA and the carriers have used the Commission's letter -- which was obtained through ex parte contacts and inaccurate representations<sup>5</sup> -- to attempt to

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<sup>4</sup> In addition, C2+ has demonstrated that CTIA's claims that the carriers' "switch-based" cellular extension service "fully complies with the Commission's rules" is false. See C2+ Petition at 15-16 and Exhibit 2.

<sup>5</sup> For example, CTIA and the carriers claim that the C2+ decryption device allows "anyone with a fraudulent intent and a valid ESN" to reprogram a cellular phone for fraudulent purposes. See Patton Aff. at Exhibit F (May 1993 Letter to Mobile Office

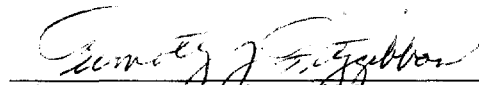
drive C2+ from the marketplace. See Patton Aff. at ¶14 and Exhibit F.

### Conclusion

Reconsideration of the findings made against C2+ in the Report and Order is warranted because the Commission violated fundamental principles of fairness and administrative due process in making those determinations. As a result, the sole basis for the adverse findings against C2+ is a series of "off-the-record" contacts by CTIA. The law requires -- and citizens have a right to expect -- more than that before their actions are found to be in violation of federal laws or regulations.

February 2, 1995

Respectfully submitted,



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Thomas F. Bardo  
Carter, Ledyard & Milburn  
1350 I Street, N.W., Suite 870  
Washington, D.C. 20005

Attorneys for  
C-Two-Plus Technology, Inc.

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Magazine). Thus, CTIA told the Commission that C2+ presented a "threat" of "cloning" fraud "on a scale heretofore not possible." Id. at Exhibit B. However, CTIA is well aware that the C2+ device will cause a cellular phone to render itself inoperable after several attempts to program an ESN without specific authorization codes provided by C2+, and C2+ provides its services only to bona fide cellular customers. See C2+ Petition at 10-11 and Exhibit 1 at ¶¶5-6.

## **Appendix 1**

**AFFIDAVIT OF CAROL PATTON**

**STATE OF ALABAMA**

**COUNTY OF MONTGOMERY**

Before me the undersigned authority personally appeared Carol Patton, who having been duly sworn by me deposes on oath and says as follows:

1. "I, Carol Patton, am a resident of the State of Alabama. I am President of C-2 Plus Technology, Inc., (hereinafter C-2 Plus). C-2 Plus was incorporated in the State of Alabama.

2. C-2 Plus has developed a process whereby an individual with a cellular telephone can add a second cellular telephone as an extension of the first phone using the same line and number as the first phone. C-2 Plus has developed an encrypted technology (hereinafter the NEPD device), which enables it to do this.

3. During the course of my business I have talked to approximately 800 to 1,000 individuals each month who are interested in cellular telephone services. Approximately ninety percent (90%) of these consumers request two cellular telephones which operate off of the same line with the same number. They want a second cellular phone as an extension of their primary cellular phone.

4. Approximately ninety percent (90%) of these consumers say that they do not want the second or extension phone if they

have to pay two monthly minimum line charges with the inconvenience of two different numbers.

5. The vast majority of these consumers say safety, security and convenience are their reasons for wanting an extension cellular phone.

6. Many of those wanting the extension phone for safety or security reasons are elderly or handicapped individuals who say they will not purchase the extension phone if they have to pay two monthly minimum line charges.

7. Many physicians want a portable phone as an extension of their car phone so they will be accessible to their offices and patients in emergencies or when seeing hospitalized patients.

8. Based on my many conversations with consumers of cellular telephone services it is my belief that it is in their best interest to be able to obtain the convenience of two cellular telephones on one line with only one monthly minimum line charge and only one number.

9. During 1992, 1993 and 1994 C-2 Plus put many cellular extension phones into service throughout the United States. I have personal knowledge that C-2 Plus has done this for many customers of cellular carriers at the carriers' request. When this was done the carrier would make initial contact with C-2 Plus and actually pay C-2 plus for performing the service for the

carrier's customer. Some of the cellular carriers for whom C-2 Plus has done this include but are not limited to the following: Cellular One of Nashville, Tennessee; Cellular One of Corbin, Kentucky; Cellular One of Marion, Indiana; Cellular One of Paducah, Kentucky; Pactel of Los Angeles, California; Sprint Cellular of Tallahassee, Florida; and Sprint Cellular of Deptford, New Jersey. Attached hereto as exhibit "A" are copies of some checks where some of these carrier paid C-2 Plus for adding an extension cellular phone to their customer's primary cellular phone.

10. None of the above mentioned carriers have ever informed C-2 Plus that the use of C-2 Plus cellular extension phones has adversely affected their cellular systems in any way. I believe that the carriers authorized C-2 Plus to perform this service for them because it offers the least expensive method of providing extension cellular phones. To the best of my knowledge, no C-2 Plus customer has ever had cellular service terminated by a carrier due to the customer's use of a C-2 Plus phone.

11. Attached as Exhibit "B" are documents obtained by C-2 Plus either in the ordinary course of business or through the Freedom of Information Act. To the best of my knowledge, C-2 Plus was never invited to participate in the meeting described in those documents and the FCC never contacted C-2 Plus to solicit

any information relating to the issues discussed at that meeting or in the FCC letter dated January 15, 1993.

12. Attached hereto as Exhibit "C" is a copy of an interview with the President of CTIA, Thomas Wheeler. In that interview Mr. Wheeler admitted that the process of overwriting a cellular telephone's electronic serial number is not illegal but that this is something he wants to see changed. I believe that Mr. Wheeler has admitted that, as of the date of that magazine interview, the process by which C-2 Plus provides extension cellular phones was not illegal.

13. Also attached hereto as Exhibit "D" is a page from a BellSouth memo which C-2 Plus received during the regular course of its business wherein BellSouth stated that the FCC has no legal empowerment over C-2 Plus nor is there a law or statute covering its activities and that BellSouth had no legal recourse against C-2 Plus. Attached hereto as Exhibit "E", are some interviews with FCC officials by Cellular Marketing and Cellular Sales and Marketing. A Commission representative stated that he did not know that he could say that what C-2 Plus is doing was illegal. Another Commission representative acknowledged that the FCC had no jurisdiction over individuals who were not FCC licensees.

14. CTIA and many of its carrier members had been trying to run C-2 Plus out of business by claiming, among other things,

that it was in violation of FCC Rules even before the new rules were adopted, and even though it is obvious from Exhibits "C" and "D", it is obvious that CTIA and BellSouth knew that C-2 Plus violated no FCC Rule. CTIA and many of its carrier members have successfully interfered with various business relations of C-2 Plus by claiming that C-2 Plus extension phones were in violation of FCC Rules or unlawful. C-2 Plus has kept records of many of the hundreds of people and businesses who would have done business with us but did not do business with us because of this interference and disparagement of our product. This interference has deprived thousands of consumers of the convenience, safety, affordability and security of having two cellular phones on one line with only one monthly minimum line charge. This interference has deprived C-2 Plus of millions of dollars in lost profits. Attached hereto as Exhibit "F" is a collection of letters and other documents which clearly establish that CTIA and some of its members have gone to great lengths to eliminate C-2 Plus as a competitor by improperly disparaging its product.

15. C-2 Plus has acquired all of the documents and exhibits which are attached hereto or referred to herein, during the regular course of its business or through the Freedom of Information Act. I am personally familiar with all of these exhibits.



16. The statements contained in this affidavit are true and correct to the best of my knowledge, information and belief."

DONE, this the 1st day of February, 1995 at Montgomery, Alabama.

Carol A. Patton  
CAROL PATTON

**State of Alabama**

**County of Montgomery**

Before me the undersigned authority personally appeared Carol Patton, who being duly sworn deposes and says that the matters set forth herein are true to the best of her knowledge and belief.

Witness my hand and seal this the 1st day of February, 1995.

My commission expires:

MY COMMISSION EXPIRES MARCH 11, 1995

## **Exhibit A**

***The customer's identity, address, telephone number, serial number and ESN have been redacted. Unredacted versions will be supplied to the Commission upon request.***

FIRST KENTUCKY CELLULAR CORP. 624311

PS 44 085029510254-3179

CELLULAR ONE OF S. E. KY., STE. 1-A  
785 CUMBERLAND GAP PKWY. 606-523-1888  
CORBIN, KY 40701

10 21 19 43 73 187 421

PAY  
TO THE  
ORDER OF

C Two Plus

\$ 124.00

One Hundred Twenty Four + 00/100

DOLLARS



First National Bank  
& TRUST COMPANY  
Corbin, Kentucky 40701

FOR

Payment Plan

Red Edge

⑈003779⑈ ⑈042606873⑈

⑈006120401⑈

**PLUS TECHNOLOGY**

Mobile Highway - Montgomery, AL 36108 - Phone [205] 264-0264 - FAX 264-7190

FAX [ ]

**HOW DO I GET STARTED ?**

Its as simple as 1-2-1

(1) TYPE or PRINT THIS INFORMATION IN BLACK INK and send it with the phone.

PRIMARY (ACTIVATED) Phone: Make MOTOROLAMODEL 2600 Bag

PRIMARY ESN: [REDACTED]

SERIAL # [REDACTED]

SECONDARY Phone: Make MOTOROLAMODEL Flip PTSSO

SECONDARY ESN: [REDACTED]

SERIAL # [REDACTED]

(Your original papers from the Dealer or Carrier should show the ESN. If you cannot find it call your Dealer. IF YOU NEED FURTHER ASSISTANCE, CALL C2+ at [205] 264-0264.

(2) Send the SECONDARY PHONE ONLY VIA UPS with this Form completed TO:

**C2+ TECHNOLOGY, 3174 MOBILE HIGHWAY, MONTGOMERY, AL 36108**

Customer Name: [REDACTED] Address [REDACTED]

City Corbin State Ky Zip 40701

Daytime Phone # (NOT YOUR CELLULAR PHONE #): [REDACTED]

PHONE RETURN ADDRESS CellularOne 785 Cumberland Gap Parkway Corbin, KY 40701

SHIP VIA: SECOND DAY AIR SVC [ ] \$ REGULAR SERVICE [X] \$ \*\*

\*\* PLUS \$6.00 if check not included with Order. Add \$1.00 per \$100 to insure over \$500.

**CERTIFICATION:** Under penalty of perjury and fraud I hereby certify that I am the user activated by my Carrier company for the above primary ESN. I hereby authorize and empower C2+ as my Agent to perform the emulations as required on my behalf. I further certify that all equipment connected to this line will be used in a legal manner and hereby agree to indemnify C2+ of all liabilities and responsibilities which may be incurred by the use or nonuse of this line, phone, equipment, emulations, and enhancements without reservation.

I FURTHER UNDERSTAND PHONES WILL BE RETURNED TO ME WITHOUT ANY PHONE OR STATION ID NUMBER PROGRAMMED AND I MUST USE MY OWNERS MANUAL OR A LOCAL DEALER (NOT CARRIER) TO PROGRAM THIS INFORMATION INTO THE PHONE. CERTAIN CARRIERS MAY HAVE THE OPTION TO DENY THESE FEATURES IF YOU TAKE IT TO THEM TO PROGRAM AS THEY MAY CONSIDER IT A LOSS OF REVENUES BECAUSE YOU ARE NOT PAYING FOR AN ADDITIONAL LINE, WHICH YOU ARE NEITHER USING NOR SUBSCRIBING THERETO. Under NO CIRCUMSTANCES must MORE THAN ONE phone be powered on AT THE SAME TIME !

Authorized User's SIGNATURE [REDACTED] (LS) Date: 10-12-93SOCIAL SECURITY # or FEIN [REDACTED] DRIVERS LICENSE # Same

DATE REC'D: [REDACTED] DEALER: [REDACTED] AUTH # [REDACTED]

**DISCLAIMER:** C2+ RESERVES THE RIGHT TO MAKE CHANGES TO ITS PRODUCTS TO IMPROVE RELIABILITY, FUNCTION, OR DESIGN. FURTHERMORE, C2+ DOES NOT ASSUME ANY LIABILITY ARISING OUT OF THE APPLICATION, USE OR NONUSE, OR OF ANY LOCAL, STATE OR FEDERAL LAWS OF ITS PRODUCTS OR SERVICES WHATSOEVER, NOR DOES IT CONVEY ANY LICENSE UNDER ITS PATENTS, COPYRIGHTS, OR TRADE SECRETS, OR PERMISSION, OR THE RIGHTS OF OTHERS TO COPY ITS FEATURES, DESIGNS, DOCUMENTATION, OR SOFTWARE. IN NO INSTANCE SHALL THE C2+ LIABILITY EXCEED THE AMOUNT PAID TO C2+ BY THE USER. COPYRIGHT INFRINGEMENT AND THEFT OF SERVICES OR FEDERAL CRIMES CARRYING SERIOUS FELONY PENALTIES, VIOLATORS WILL BE VIGOROUSLY PROSECUTED TO THE FULLEST EXTENT OF THE LAW!!

**FIRST KENTUCKY CELLULAR CORP.**

CELLULAR ONE OF S. E. KY., STE. 1-A  
785 CUMBERLAND GAP PKWY. 606-523-1888  
CORBIN, KY 40701

PS AM 0658287102703126

10-13-93

73-187,421

PAY  
TO THE  
ORDER OF

*CTwo Plus*

\$ 338.00

*Three Hundred Thirty Eight & 10/100*

DOLLARS



*First National Bank*  
A TRUST COMPANY  
*Corbin, Kentucky 40701*

FOR Cust. Phone Programming

⑈003126⑈ ⑆042101873⑆

⑈00612040⑈

**C TWO PLUS TECHNOLOGY**

3174 Mobile Highway - Montgomery, AL 36108 - Phone [205] 264-0264 - FAX 264-7190

TO: \_\_\_\_\_ FAX [ ] \_\_\_\_\_

**HOW DO I GET STARTED ? Its as simple as 1-2 !**

(1) TYPE or PRINT THIS INFORMATION IN BLACK INK and send it with the phone.

PRIMARY (ACTIVATED) Phone: Make MOTOROLA 2600T Install MODEL \_\_\_\_\_PRIMARY ESN: [REDACTED] SERIAL # \_\_\_\_\_SECONDARY Phone: Make MOTOROLA 2600T Install MODEL \_\_\_\_\_SECONDARY ESN: [REDACTED] SERIAL # \_\_\_\_\_

Your original papers from the Dealer or Carrier should show the ESN. If you cannot find it call your Dealer. IF YOU NEED FURTHER ASSISTANCE, CALL C2+ at [205] 264-0264.

(2) Send the SECONDARY PHONE ONLY VIA UPS with this Form completed TO:

**C2+ TECHNOLOGY, 3174 MOBILE HIGHWAY, MONTGOMERY, AL 36108**Customer Name: [REDACTED] Address [REDACTED]City Corbis State Ky Zip 40701Daytime Phone # (NOT YOUR CELLULAR PHONE #): [REDACTED]PHONE RETURN ADDRESS 785 Cumberland Gap Parkway Corbis, Ky 40702

SHIP VIA: SECOND DAY AIR SVC [ ] \$ \_\_\_\_\_ REGULAR SERVICE [X] \$ \_\_\_\_\_ \*\*

\*\* PLUS \$6.00 if check not included with Order. Add \$1.00 per \$100 to insure over \$500.

**CERTIFICATION:** Under penalty of perjury and fraud I hereby certify that I am the user activated by my Carrier company for the above primary ESN. I hereby authorize and empower C2+ as my Agent to perform the emulations as required on my behalf. I further certify that all equipment connected to this line will be used in a legal manner and hereby agree to indemnify C2+ of all liabilities and responsibilities which may be incurred by the use or nonuse of this line, phone, equipment, emulations, and enhancements without reservation.

I FURTHER UNDERSTAND PHONES WILL BE RETURNED TO ME WITHOUT ANY PHONE OR STATION ID NUMBER PROGRAMMED AND I MUST USE MY OWNERS MANUAL OR A LOCAL DEALER (NOT CARRIER) TO PROGRAM THIS INFORMATION INTO THE PHONE. CERTAIN CARRIERS MAY HAVE THE OPTION TO DENY THESE FEATURES IF YOU TAKE IT TO THEM TO PROGRAM AS THEY MAY CONSIDER IT A LOSS OF REVENUES BECAUSE YOU ARE NOT PAYING FOR AN ADDITIONAL LINE, WHICH YOU ARE NEITHER USING NOR SUBSCRIBING THERETO. Under NO CIRCUMSTANCES must MORE THAN ONE phone be powered on AT THE SAME TIME !

Authorized User's SIGNATURE [REDACTED] (LS) Date: 1-12-94SOCIAL SECURITY # or FEIN [REDACTED] DRIVERS LICENSE # [REDACTED]

DATE REC'D: \_\_\_\_\_ DEALER: \_\_\_\_\_ AUTH # \_\_\_\_\_

**DISCLAIMER:** C2+ RESERVES THE RIGHT TO MAKE CHANGES TO ITS PRODUCTS TO IMPROVE RELIABILITY, FUNCTION, OR DESIGN. FURTHERMORE, C2+ DOES NOT ASSUME ANY LIABILITY ARISING OUT OF THE APPLICATION, USE OR NONUSE, OR OF ANY LOCAL, STATE OR FEDERAL LAWS OF PRODUCTS OR SERVICE WHATSOEVER; NOR DOES IT CONVEY ANY LICENSE UNDER ITS PATENTS, COPYRIGHTS, OR TRADE SECRETS, OR PERMISSION, OR THE RIGHTS OF OTHERS TO COPY ITS FEATURES, DESIGN, DOCUMENTATION, OR SOFTWARE. IN NO INSTANCE SHALL THE C2+ LIABILITY EXCEED THE AMOUNT PAID TO C2+ BY THE USER. COPYRIGHT INFRINGEMENT AND THEFT OF SERVICES OR FEDERAL CRIMES carrying SERIOUS FELONY PENALTIES, VIOLATORS WILL BE VIGOROUSLY PROSECUTED TO THE FULLEST EXTENT OF THE LAW!!

**C TWO PLUS TECHNOLOGY**

3174 Mobile Highway - Montgomery, AL 36108 - Phone [205] 264-0264 - FAX 264-7190

TO: \_\_\_\_\_ FAX [ ] \_\_\_\_\_

**HOW DO I GET STARTED ?** Its as simple as 1-2-1

(1) TYPE or PRINT THIS INFORMATION IN BLACK INK and send it with the phone.

PRIMARY (ACTIVATED) Phone: Make Mitsubishi 3000 MODEL 3000

PRIMARY ESN: \_\_\_\_\_ SERIAL # \_\_\_\_\_

SECONDARY Phone: Make MOTOROLA 2600 MODEL 2600

SECONDARY ESN: \_\_\_\_\_ SERIAL # \_\_\_\_\_

(Your original papers from the Dealer or Carrier should show the ESN. If you cannot find it call your Dealer. IF YOU NEED FURTHER ASSISTANCE, CALL C2+ at [205] 264-0264.

(2) Send the SECONDARY PHONE ONLY VIA UPS with this Form completed TO:

**C2+ TECHNOLOGY, 3174 MOBILE HIGHWAY, MONTGOMERY, AL 36108**Customer Name: \_\_\_\_\_ Address \_\_\_\_\_  
City Corbett State IL Zip \_\_\_\_\_

Daytime Phone # (NOT YOUR CELLULAR PHONE #): \_\_\_\_\_

PHONE RETURN ADDRESS Same

SHIP VIA: SECOND DAY AIR SVC [ ] \$ \_\_\_\_\_ REGULAR SERVICE [X] \$ \_\_\_\_\_ \*\*

\*\* PLUS \$6.00 if check not included with Order. Add \$1.00 per \$100 to insure over \$500.

**CERTIFICATION:** Under penalty of perjury and fraud I hereby certify that I am the user activated by my Carrier company for the above primary ESN. I hereby authorize and empower C2+ as my Agent to perform the emulations as required on my behalf. I further certify that all equipment connected to this line will be used in a legal manner and hereby agree to indemnify C2+ of all liabilities and responsibilities which may be incurred by the use or misuse of this line, phone, equipment, emulations, and enhancements without reservation.

FURTHER UNDERSTAND PHONES WILL BE RETURNED TO ME WITHOUT ANY PHONE OR STATION ID NUMBER PROGRAMMED AND I MUST USE MY OWNERS MANUAL OR A LOCAL DEALER (NOT CARRIER) TO PROGRAM THIS INFORMATION INTO THE PHONE. CERTAIN CARRIERS MAY HAVE THE OPTION TO DENY THESE FEATURES IF YOU TAKE IT TO THEM TO PROGRAM AS THEY MAY CONSIDER IT A LOSS OF REVENUES BECAUSE YOU ARE NOT PAYING FOR AN ADDITIONAL LINE, WHICH YOU ARE NEITHER USING NOR SUBSCRIBING THERETO. Under NO CIRCUMSTANCES must MORE THAN ONE phone be powered on AT THE SAME TIME !

Authorized User's SIGNATURE \_\_\_\_\_ (LS) Date: 9-30-9SOCIAL SECURITY # or FEIN X DRIVERS LICENSE # Same

DATE REC'D: \_\_\_\_\_ DEALER: \_\_\_\_\_ AUTH # \_\_\_\_\_

**DISCLAIMER:** C2+ RESERVES THE RIGHT TO MAKE CHANGES TO ITS PRODUCTS TO IMPROVE RELIABILITY, FUNCTION, OR DESIGN. FURTHERMORE, C2+ DOES NOT ASSUME ANY LIABILITY ARISING OUT OF THE APPLICATION, USE OR NONUSE, OR OF ANY LOCAL, STATE OR FEDERAL LAWS OF ITS PRODUCTS OR SERVICES WHATSOEVER; NOR DOES IT CONVEY ANY LICENSE UNDER ITS PATENTS, COPYRIGHTS, OR TRADE SECRETS, OR PERMISSION, OR THE RIGHTS OF OTHERS TO COPY ITS FEATURES, DESIGNS, DOCUMENTATION, OR SOFTWARE. IN NO INSTANCE SHALL THE C2+ LIABILITY EXCEED THE AMOUNT PAID TO C2+ BY THE USER. COPYRIGHT INFRINGEMENT AND THEFT OF SERVICES ARE FEDERAL CRIMES CARRYING SERIOUS FELONY PENALTIES. VIOLATORS



GRAYCO C2+ TECHNOLOGY

205 264 7196

P.02

## TWO PLUS TECHNOLOGY

9321

3174 Mobile Highway - Montgomery, AL 36108 - Phone [205] 264-0264 - FAX 264-7190

TO:

FAX [ ]

## HOW DO I GET STARTED ?

Its as simple as 1-2 !

(1) FILL OR PRINT THIS INFORMATION IN BLACK INK and send it with the phone.

PRIMARY (ACTIVATED) Phone: Make MOTOROLA MODEL 2600 INSTANT

PRIMARY ESN: [REDACTED] SERIAL # [REDACTED]

SECONDARY Phone: Make MOTOROLA MODEL MICRO TAC LIGHT

SECONDARY ESN: [REDACTED] SERIAL # [REDACTED]

(Your original papers from the Dealer or Carrier should show the ESN. If you cannot find it, call your Dealer. IF YOU NEED FURTHER ASSISTANCE, CALL C2+ at [205] 264-0264.

(2) Send the SECONDARY PHONE ONLY VIA UPS w/ this Form completed TO:

C2+ TECHNOLOGY, 3174 MOBILE HIGHWAY, MONTGOMERY, AL 36108

Customer Name: [REDACTED] Address: [REDACTED]

City Corbin State VA Zip 40701

Daytime Phone # (NOT YOUR CELLULAR PHONE #): [REDACTED]

PHONE RETURN ADDRESS: [REDACTED]

SHIP VIA: SECOND DAY AIR SVC [ ] \$

REGULAR SERVICE [ ] \$

\*\* PLUS \$6.00 if check not included with Order. Add \$1.00 per \$100 to insure over \$500.

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Authorized User's SIGNATURE [REDACTED] (LS) Date: 9/10/97SOCIAL SECURITY # or FEIN [REDACTED] RIVERS LICENSE # [REDACTED]

ALL REQUESTS DEALER: [REDACTED]

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